

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CRYSTAL W.,

Plaintiff,

-v-

5:24-CV-505

LELAND DUDEK, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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KRISTINA D. COHN, ESQ.

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On April 11, 2024, plaintiff Crystal W. filed this 42 U.S.C. § 405(g) action seeking judicial review of a final decision of the Commissioner of Social

Security (“Commissioner” or “defendant”) denying her application for disability insurance and supplemental security income benefits. Dkt. No. 1. Along with her complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP application”), Dkt. No. 3. U.S. Magistrate Judge Daniel J. Stewart granted plaintiff’s IFP application, Dkt. No. 6, and briefing schedule was set. Dkt. No. 4. The parties filed their respective memoranda—treated as motions for judgments on the pleadings under Federal Rule of Civil Procedure (“Rule”) 12(c) pursuant to General Order 18. Dkt. Nos. 10–11.

On April 1, 2025, Judge Stewart advised by Report & Recommendation (“R&R”) that plaintiff’s motion be denied, that defendant’s motion be granted, and that the final decision of the Commissioner be affirmed. Dkt. No. 12. Plaintiff has not filed any objections to the R&R and the time in which to do so has since expired. *See id.*

Upon review for clear error, Judge Stewart’s R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

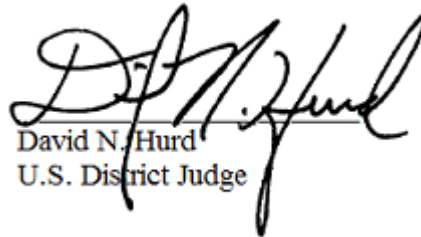
1. The Report & Recommendation (Dkt. No. 12) is ACCEPTED and ADOPTED in all respects; and
2. Plaintiff’s motion for a judgment on the pleadings (Dkt. No. 10) is GRANTED;

3. Defendant's motion for a judgment on the pleadings (Dkt. No. 11) is DENIED; and

4. The final decision of the Commissioner is REMANDED consistent with reasons set forth in the R&R.

The Clerk of the Court is directed to terminate the pending motion and enter a judgment accordingly.

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: April 29, 2025
Utica, New York